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 United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Animal Welfare Enforcement FY 1983

Report of the Secretary of Agriculture
to the President of the Senate and the
Speaker of the House of Representatives

REPORT OF 1983 ACTIVITIES

The Secretary of Agriculture annually reports on enforcement and administration of the Animal Welfare Act (AWA) (7 U.S.C. 2131, et seq.), as required by section 25 of the act. The present report covers Fiscal Year (FY) 1983, which began October 1, 1982, and ended September 30, 1983.

Section 25 states: "This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

Summary

Compliance inspections to enforce the AWA during FY 1983 were made at an average rate of 2.6 times per year at 6,023 licensed or registered facilities.

Licensees and registrants were counseled on how to correct deficiencies. Legal action was taken against flagrant and chronic offenders.

Seventy new cases of apparent violation were forwarded for prosecution after thorough investigation. Fifty cases were resolved through administrative procedures. This resulted in monetary penalties, license suspensions or revocations, cease-and-desist orders, or a combination of these. Another 126 minor violations were resolved through letters of warning that included a specific deadline for compliance.

Reports were submitted by 863 active registered research facilities and 88 Federal research facilities. These reports show that 61 percent of federally protected laboratory animals were not exposed to painful or dis-

treassing procedures. Another 31 percent received appropriate pain relief. In 8 percent, pain relief was not provided because it would have interfered with test results. Researchers were required to provide an explanation describing in detail the human and animal benefits received from these experiments.

Legislation

Animal welfare legislation, as first enacted in 1966 (Public Law 89-544), regulated trade in dogs and cats procured for laboratory research, as well as dogs, cats, hamsters, guinea pigs, rabbits, and nonhuman primates held by certain research facilities.

Amendments in 1970 broadened coverage to most other warmblooded animals, including those used in research, exhibitions, and the wholesale pet trade. An amendment in 1976 (Public Law 94-279) extended coverage further, notably over live-animal transportation.

Funding for animal welfare enforcement for FY 1983 was \$4.88 million.

Regulations

Administration and enforcement of the AWA is assigned to the U.S. Department of Agriculture (USDA). The act directs USDA to develop regulations assuring humane care and treatment of animals. These regulations include minimum standards for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation of incompatible animals, veterinary care, and transportation.

Birds, laboratory rats and mice, and domestic farm animals are exempted by regulation.

Recommended changes in the marine mammal standards were published in the Federal Register on July 29,

laboratory animals, exhibition animals (including marine mammals), and humane handling and inspection.

During the year the staff conducted an indepth review of inspection procedures for research facilities. The review was directed toward making certain that inspection procedures provided adequate assurance that laboratory animals are receiving appropriate care and treatment. As a result, the staff revised its internal policy memoranda to provide more specific and uniform instructions for the veterinarians who conduct field inspections.

The Interstate Inspection and Compliance Staff supports compliance activities by providing consultation about investigations and reviewing reports of alleged violations for prosecution or other action. A staff veterinarian and three compliance specialists are assigned specifically to animal care enforcement.

3. Training

APHIS designs and conducts training courses for the field force on effective enforcement of the AWA. They are given on a regional or statewide basis by instructors drawn from specialists inside and outside APHIS.

During the year, courses were held in California, Nebraska, Florida, Pennsylvania, and New York. In addition, staff and field personnel participated in seminars and presented topics at meetings sponsored by industry and allied organizations.

Licensing and Registration

Persons subject to the Animal Welfare Act must be licensed or registered by USDA. Lists of licensees and registrants are furnished with this report.

Dealers, operators of auction sales selling dogs and cats, and most exhibitors are required to be licensed and pay an annual fee. Licenses remain valid until terminated voluntarily by the licensee, revoked or suspended by USDA, or canceled automatically if not renewed when the annual fee is due.

The fee is determined by two graduated schedules, one for dealers and another for exhibitors. Dealers (including operators of auction sales) pay between \$5 and \$500; exhibitors, between \$5 and \$100. Collections are deposited in the U.S. Treasury as "miscellaneous receipts." During FY 1983, \$143,252 in fees was collected from 4,756 license holders.

Research facilities, carriers, and intermediate handlers are required to register; certain exhibitors can register rather than become licensed. Registrations continue in effect until facilities are disbanded or merged with those of another registrant. In FY 1983, there were 1,613 registrants who paid no fee.

1. Licensed Dealers

Licensed dealers include breeders, wholesale pet dealers, operators of auction sales, suppliers of laboratory animals, traders and importers of wild animals, and animal brokers. In FY 1983, there were 3,490 licensed dealers, 552 of which were new licensees (Appendix, Table 1).

Licenses for 580 dealers were surrendered to or canceled by APHIS. The licenses of four dealers were suspended through administrative procedures after APHIS inspectors found serious violations.

2. Carriers and Intermediate Handlers

Most registered carriers are airlines, although railroads, motor carriers, and shipping lines also

year. The intent of the report is to assure that research and experimentation deemed necessary by the institution is done with proper care and treatment of laboratory animals.

The report must verify that the attending veterinarian or animal care committee has approved the types and amounts of anesthetic, analgesic, or tranquilizing drug used. If pain relief is not provided the report must show use of the drugs would have interfered with the intended purpose of the research, tests, or experiments. Researchers are also required to provide an explanation describing in detail the human and animal benefits received from these experiments.

In 1983, APHIS received reports from 1,166 institutions, including 1,005 registered facilities and 88 Federal research facilities (Appendix, Table 2). Negative reports were filed by 73 research facilities. These reports are not included in the total, so Table 2 includes only institutions reporting the use of regulated laboratory animals.

Research facilities reported that 61 percent of the 1,680,242 federally protected animals used in research or experimentation were not exposed to painful or distressing procedures (Appendix, Tables 3 and 4). Another 31 percent of the animals received pain relief through drugs. Because drugs would have interfered with the testing, 8 percent received no drugs.

APHIS continued efforts this year to reduce the number of research facilities that do not file a timely annual report. Area offices reminded research facilities of the reporting requirement and helped them correct errors and incomplete data. APHIS also investigated the reasons for absent, late, and incomplete reports and filed cases against three registrants who did not file 1982 reports.

Inspections and Investigations

Central to enforcement of the Animal Welfare Act are various inspections and investigations by APHIS to ensure that Federal laws, regulations, and standards are followed.

Inspections of all kinds conducted by APHIS in FY 1983 totaled 18,802. Inspectors concentrated on improving the quality of inspections and placed emphasis on checking borderline facilities and facilities with chronic deficiencies.

1. Inspections of Animals in Transit

Airport inspections concentrated at airports with large volumes of animal traffic, permit APHIS to assess compliance by carriers and shippers. Carriers must have facilities and personnel adequate to handle animals. They also must comply with Federal shipping requirements and refuse to accept shipments of live animals in substandard containers.

To ensure compliance by licensed and registered shippers, inspectors examine the health and condition of animals as they pass through the airport facilities. Inspectors monitor size and construction of the container, temperature and ventilation of the container, feeding and watering of the animals, the length of time animals spend in transit, and health care for animals in transit.

APHIS has received help from humane associations, shippers, and others in enforcing transportation standards. Also, a strong working relationship has been developed with the Civil Aeronautics Board (CAB), which forwards relevant complaints to APHIS.

During the year 2,500 airport inspections and 239 inspections of intermediate handlers were made. Seven charges against airlines, alleging violation of the act, were resolved.

(Appendix, Table 5). This figure, coupled with prelicensing inspections, gives an average rate of 2.6 inspections per licensee or registrant, exclusive of inspections at airports and intermediate handlers.

7. Reviews (Searches)

In FY 1983, APHIS conducted 361 reviews of individuals in business subject to regulation under the Animal Welfare Act to determine whether they should be licensed or registered (Appendix, Table 5).

Apparent Violations

Of APHIS's 846 investigations of apparent violations (Appendix, Table 5), 196 were considered for legal action. Of these, 134 were caused by 117 repeat violators.

A breakdown of the violations indicate that 28 percent involved technical infractions, 17 percent involved dealers and exhibitors who were operating without a license or registration, and 55 percent involved violations of the standards for care and treatment of animals.

The following tabulation shows the number and percentage of dealers, carriers, intermediate handlers, exhibitors and research facilities involved in 196 violations:

<u>Type</u>	<u>Number</u>	<u>Percent</u>
Dealers	96	49
Carriers only	20	10
Carriers and dealers	3	1.5
Carriers and intermediate handlers	1	.5
Carriers & exhibitors	1	.5
Research facilities	54	27.5
Exhibitors	21	11
TOTAL	196	100

1. Summary Actions

To correct violations when the health of regulated animals is threatened

APHIS may take immediate action such as animal confiscation or summary license suspension for up to 21 days. In FY 1983, one licensed dealer received the maximum summary suspension.

2. Legal Action

Animal welfare violations are normally prosecuted through administrative proceedings adjudicated by administrative law judges. During FY 1983, 70 cases were recommended for prosecution. Fifty cases, most from previous years, were resolved through administrative procedures involving monetary penalties, license suspensions or revocations, cease-and-desist orders, or a combination of these (Appendix, Table 6).

Fines totaled \$26,900 and ranged from \$100 to \$6,000. Two violators had their licenses suspended from 14 to 60 days. Cease-and-desist orders were imposed in 23 cases, and wherever applicable, APHIS insisted that carriers agree to train employees on proper handling and care of animals.

3. Letters of Warning

Letters of warning are used to resolve the majority of first-time violations. The recipient is given a deadline for correcting specific deficiencies named in the letter. If the recipient is involved in further violations, the earlier violation can be included in the "history of violation" for future prosecutions.

In FY 1983, APHIS closed 126 cases with letters of warning, stating that the persons involved must improve their handling of animals or face prosecution (Appendix, Table 6).

Also, 16 notices were issued to airlines informing them of instances in which airline personnel handled animals improperly. These minor violations, which generally are cumulative, remain as open cases for

Table 1.--Number of active licensees and registrants, fiscal year 1983

State	Intermediate handlers carriers	Licensed dealers	Animal exhibitors		Registered research facilities
			Licensed	Registered	
U.S. Total	346	3,490	1,266	101	1,166
Alabama	1	12	6	0	12
Alaska	2	0	5	1	1
Arizona	8	20	13	0	9
Arkansas	1	91	14	0	3
California	32	114	165	1	147
Colorado	18	40	20	4	26
Connecticut	12	6	17	0	18
Delaware	0	1	1	0	6
Florida	37	115	193	4	39
Georgia	8	18	19	4	11
Hawaii	12	2	11	0	5
Idaho	4	7	9	0	4
Illinois	10	96	43	7	61
Indiana	2	80	30	0	19
Iowa	0	351	11	5	11
Kansas	4	620	17	4	17
Kentucky	4	7	2	3	6
Louisiana	1	8	16	0	11
Maine	4	13	11	1	12
Maryland	3	14	12	0	27
Massachusetts	9	34	32	2	73
Michigan	2	32	25	31	43
Minnesota	4	102	31	5	19
Mississippi	1	10	5	0	3
Missouri	12	500	22	3	24
Montana	0	4	4	1	3
Nebraska	1	150	10	0	9
Nevada	1	1	26	0	1
New Hampshire	0	9	14	0	5
New Jersey	11	29	29	0	62
New Mexico	7	2	6	0	9
New York	21	49	48	1	103
North Carolina	6	39	21	6	16
North Dakota	1	23	6	0	3
Ohio	3	80	37	10	63
Oklahoma	2	206	14	0	11
Oregon	10	93	13	0	18
Pennsylvania	12	100	64	0	84
Rhode Island	0	2	6	0	9
South Carolina	9	14	16	0	5
South Dakota	0	60	6	0	2
Tennessee	3	17	15	0	11
Texas	23	144	72	2	58
Utah	6	10	10	0	9
Vermont	1	12	1	0	4
Virginia	10	22	16	1	20
Washington	10	19	20	1	21
West Virginia	1	6	3	1	5
Wisconsin	4	67	72	1	16
Wyoming	0	5	1	2	4
District of Columbia	2	0	0	0	0
Puerto Rico	3	34	6	0	8
Virgin Islands	8	0	0	0	0

Table 3.--Animals experiencing pain or distress (drugs omitted because they would interfere with the purpose of research or testing), fiscal year 1983

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	165	139,411	2,387	152	546	67,246	30,630	35,695	2,755
Alabama	0	0	0	0	0	0	0	0	0
Alaska	0	0	0	0	0	0	0	0	0
Arizona	1	84	0	0	0	0	0	84	0
Arkansas	0	0	0	0	0	0	0	0	0
California	9	8,785	0	0	0	5,677	0	2,559	549
Colorado	1	21	0	0	21	0	0	0	0
Connecticut	3	1,658	167	0	0	1,051	0	440	0
Delaware	1	252	0	0	8	0	0	244	0
Florida	2	37	0	0	0	0	0	37	0
Georgia	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	0	0	0	0	0	0
Idaho	0	0	0	0	0	0	0	0	0
Illinois	9	14,680	735	4	8	11,520	258	2,155	0
Indiana	6	5,862	45	0	16	4,868	0	933	0
Iowa	2	454	15	12	0	345	0	82	0
Kansas	2	12,177	0	0	0	4,990	4,810	2,377	0
Kentucky	1	28	0	0	0	0	0	28	0
Louisiana	2	56	0	0	0	0	0	10	46
Maine	1	5	0	0	0	0	0	5	0
Maryland	1	245	0	0	0	0	0	245	0
Massachusetts	6	139	0	0	70	23	0	46	0
Michigan	8	8,260	8	12	9	5,173	0	2,758	300
Minnesota	3	1,337	7	20	0	908	0	354	48
Mississippi	1	97	0	0	0	97	0	0	0
Missouri	7	6,061	32	0	0	2,451	3,350	228	0
Montana	0	0	0	0	0	0	0	0	0
Nebraska	2	1,221	0	0	0	136	995	0	90
Nevada	0	0	0	0	0	0	0	0	0
New Hampshire	0	0	0	0	0	0	0	0	0
New Jersey	21	16,697	505	28	13	1,611	6,790	7,750	0
New Mexico	1	6	0	0	0	0	0	6	0
New York	12	13,559	98	3	25	12,488	0	985	0
North Carolina	4	12,703	48	12	18	4,825	7,780	20	0
North Dakota	0	0	0	0	0	0	0	0	0
Ohio	9	4,410	192	0	22	1,724	0	2,472	0
Oklahoma	1	18	0	0	0	0	0	18	0
Oregon	0	0	0	0	0	0	0	0	0
Pennsylvania	13	8,446	171	8	0	996	0	7,231	40
Rhode Island	0	0	0	0	0	0	0	0	0
South Carolina	1	30	0	0	0	0	0	30	0
South Dakota	0	0	0	0	0	0	0	0	0
Tennessee	1	6,382	0	0	0	1,235	5,147	0	0
Texas	4	1,160	9	0	68	70	0	1,013	0
Utah	2	920	0	0	0	888	32	0	0
Vermont	1	70	0	0	0	0	0	70	0
Virginia	3	4,646	156	0	4	3,662	0	824	0
Washington	2	20	0	0	16	4	0	0	0
West Virginia	0	0	0	0	0	0	0	0	0
Wisconsin	2	1,624	0	0	0	229	0	1,395	0
Wyoming	0	0	0	0	0	0	0	0	0
Puerto Rico	1	10	0	0	0	0	0	10	0
District of Columbia	0	0	0	0	0	0	0	0	0
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	19	7,251	199	53	248	2,315	1,468	1,286	1,682

Table 5.—Number of inspections, fiscal year 1983

State	Complaints	Prelicensing	Compliance	Searches	Apparent violations investigated
U.S. Total	834	1,049	15,014	361	846
Alabama	1	3	66	0	1
Alaska	6	0	9	0	1
Arizona	24	9	506	1	15
Arkansas	1	16	120	1	0
California	13	51	624	0	6
Colorado	13	17	160	21	0
Connecticut	11	6	73	3	0
Delaware	0	2	7	0	0
Florida	6	40	267	1	11
Georgia	0	13	255	6	3
Hawaii	1	2	156	1	0
Idaho	0	1	40	3	1
Illinois	22	16	365	15	25
Indiana	5	16	339	0	9
Iowa	88	64	1,073	0	104
Kansas	26	134	1,975	46	17
Kentucky	14	2	57	16	0
Louisiana	0	8	110	0	9
Maine	10	2	75	0	0
Maryland	111	9	160	1	15
Massachusetts	41	11	265	4	63
Michigan	9	14	293	3	10
Minnesota	10	26	631	2	68
Mississippi	5	1	47	0	5
Missouri	98	140	879	0	192
Montana	3	2	71	0	3
Nebraska	20	70	602	84	12
Nevada	2	5	50	7	2
New Hampshire	6	5	47	1	0
New Jersey	29	1	257	1	35
New Mexico	3	0	64	0	2
New York	20	9	557	10	43
North Carolina	12	32	144	0	16
North Dakota	0	5	85	12	0
Ohio	29	37	566	0	37
Oklahoma	12	42	412	0	1
Oregon	40	28	231	13	31
Pennsylvania	65	30	651	1	42
Rhode Island	5	0	54	1	0
South Carolina	0	5	93	4	2
South Dakota	12	21	199	26	0
Tennessee	1	8	133	49	7
Texas	14	63	1,256	0	8
Utah	3	11	67	10	0
Vermont	3	1	54	0	0
Virginia	3	10	152	0	9
Washington	1	9	93	4	3
West Virginia	8	8	55	2	1
Wisconsin	24	20	377	0	29
Wyoming	4	3	14	12	5
Puerto Rico	0	21	178	0	3
District of Columbia	0	0	0	0	0
Virgin Islands	0	0	0	0	0

